

SENATE BILL 2583

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 55, relative to counterfeit airbags and  
similar restraint system components.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-9-108, is amended by deleting the  
existing language, which presently reads:

Any person who knowingly installs or reinstalls any object in lieu of an airbag that  
was designed in accordance with federal safety regulations for the make, model and  
year of the vehicle as part of the vehicle inflatable restraint system shall be guilty of a  
Class A misdemeanor.

and substituting instead the following:

(a) For purposes of this section:

(1) "Airbag" means a motor vehicle inflatable occupant restraint system  
device that is part of a supplemental restraint system;

(2) "Counterfeit supplemental restraint system component" means a  
replacement supplemental restraint system component, including, but not limited  
to, an airbag, that displays a mark identical to, or substantially similar to, the  
genuine mark of a motor vehicle manufacturer or a supplier of parts to the  
manufacturer of a motor vehicle without authorization from that manufacturer or  
supplier, respectively;

(3) "Nonfunctional airbag" means a replacement airbag that meets any of  
the following criteria:

(A) The airbag was previously deployed or damaged;

(B) The airbag has an electric fault that is detected by the vehicle's airbag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(C) The airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(D) The airbag is subject to the prohibitions of 49 U.S.C. § 30120(j); and

(4) "Supplemental restraint system" ("SRS"):

(A) Means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems, as defined in 49 CFR 571.208; and

(B) Includes one (1) or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:

(i) The airbag operates in the event of a crash; and

(ii) The airbag is designed in accordance with federal motor vehicle safety standards of the specific make, model, and year of the motor vehicle in which it is or will be installed.

(b) A person shall not knowingly manufacture, import, install, reinstall, distribute, sell, or offer for sale any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component, nonfunctional airbag, or device that does not meet federal motor vehicle safety standards as provided in 49 CFR 571.208.

(c) A person shall not knowingly sell, install, or reinstall in a vehicle, any device that causes the vehicle's diagnostic systems to fail to warn when the vehicle is equipped with a counterfeit supplemental restraint system component or nonfunctional airbag, or when no airbag is installed.

(d) A violation of this section is a Class E felony.

SECTION 2. This act shall take effect July 1, 2018, the public welfare requiring it.